

# MADISON COUNTY PLANNING

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## Streamside Protection Steering Committee Meeting Summary

Thursday July 31, 2008

First Madison Valley Bank, Basement Meeting Room, Ennis, MT

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### **Attendance:**

Planning Staff: Jim Jarvis (staff planner), Karen Filipovich (facilitator)

Steering Committee: Kelly Galloup, Richard Lessner, Donna Jones, Gayle Schabarker, Pat Clancy, Chris Murphy, Amy Robinson, Jeff Laszlo, Bill Mercer

### Public (52):

Becky Papike  
James Court  
Dale VanDyken  
Liz & Bill Applegate  
Diane Bricker  
Gary Forney  
Ron & Linda Allen  
Larry & Diane Krokes  
Richard Dolson  
Richard Rohrbaugh  
Dave Bricker  
Doug Salmonsens  
Diane Salmonsens  
Jaime MacNaughton  
Elizabeth Maten  
Nina Johnson  
Bevin Johnson  
Darlene Beam  
Bill Beam  
Susan Hourany  
Dennis Hourany  
Lorraine Snipper  
Karen Giorgianni

Laird Stabler  
Tricia Stabler  
Greg Morgan  
Eileen Walters  
Thomas Hobson  
Mike Becker  
Stephanie Becker  
Roger Lang  
Pat Goggins  
Mike and Patti Weigand  
Duane Thexton  
Ken Hall  
Katherine Looney  
Brett Gustafson  
Sarah & Gerry Gerron  
Luia & Mark Milkovich  
Cindy Younkin  
Edgar Fisher  
Shirley Fisher  
Ardyth Fisher  
Bernie Fisher  
David & Dodie Arterburn

### **1. Welcome, Overview, and Introduction**

The meeting was called to order at 6:30 p.m. by Karen Filipovich. Karen presented an overview of the agenda. Introductions were exchanged amongst committee members and the public. Jim Jarvis gave a brief presentation of Frequently Asked Questions (FAQs) relating to the project. Jim agreed to print and post these FAQs on the county website.

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## **2. Receive July 15, 2008 meeting summary/correspondence since July 15, 2008 meeting**

Jim Jarvis directed the committee's attention to a summary of the last meeting, copies of public comments received by the Planning Office since July 15, 2008, and two handouts. The first handout summarized recommendations for setbacks based on scientific data compiled by the MT Audubon Society. The second handout summarized commonly referenced legal findings relating to the "takings" issue. Copies of a petition to the county commissioners from South Boulder River property owners, asking to be removed from the ordinance's planning area, were distributed to staff and the steering committee.

## **3. Section 6: General Standards – Setbacks**

Karen initiated a discussion on the proposed setbacks outlined in Section 6 of the ordinance. Jim gave an overview about why setbacks are commonly used from a land use management perspective to provide separation between conflicting land uses, in this case between a building site and a stream. Jim outlined the activities associated with a building that could negatively impact a stream. A fixed setback approach was considered the simpler approach to providing separation from these conflicting land uses. Variances were discussed as a way of providing flexibility to the fixed setback approach. The performance-based approach, relying on site specific information to determine an ideal building site, was also discussed.

The proposed 500 foot setback on the Madison River was discussed in relation to the 1983 Madison River Corridor Study. Kelly Galloup inquired about previous discussions on "buffer averaging". Jim gave an example of buffer averaging. Amy Robinson asked for more information on the performance-based approach. Jim mentioned programs in Missoula area as possible performance-based examples and he agreed to research the matter more in preparation of the next meeting. Reportedly, these programs have been difficult to enforce consistently and are staff intensive. Richard Lessner suggested the County could model a performance-based streamside program on the existing septic permit program. Chris Murphy suggested that a natural vegetative state be maintained along the rivers and streams, but he could not suggest a fixed setback distance. Richard Lessner suggested that if the committee could not come up with a fixed setback number, then a performance-based approach should be considered. The onus should be placed on the property owner to provide scientific data or a mitigation plan in support of the preferred building setback. Jeff Laszlo suggested that established criteria must be agreed upon to review these plans. Jeff further inquired about availability of existing studies or riparian mapping information for local rivers to guide these review efforts. Jeff also suggested that the concept (as previously suggested by Laird Stabler) of a "river protection corridor" versus a setback area receive further consideration. Donna Jones expressed support for setbacks based on existing precedents, especially for narrow lots. Kelly Galloup suggested a 20 foot natural buffer be used as a starting point for discussion. Kelly further suggested that preserving a natural buffer would be supported

by the general public. Amy Robison suggested that the size of the natural buffer would need to vary along the stream as the environmental conditions changed.

#### Public Comment

1. A short list of specific concerns must be created to focus and guide regulatory decisions, i.e. protect certain types of habitat (riparian vegetation), etc.
2. A sliding scale should be established for setbacks based on the size of the lot involved, e.g. larger lots equal larger setbacks.
3. A simple approach based on standard water quality protection measures should be established to guide building site locations. Put the burden on the property owner to prove that a site is not going to degrade water quality.
4. A spokesperson for the S. Boulder River area asked that this area be removed from the planning area, citing difference between the S. Boulder River and other area rivers. A petition will be presented to the Commissioners office in the near future.
5. Aerial photos should be studied to delineate existing riparian habitat.
6. This process has greatly heightened my awareness of water quality.
7. Prioritize your criteria of concern. What are the most important things you wish to protect?
8. Private funding is available to help cover the costs to implement such a program.
9. Keep working through this process for streamside protection.

Karen asked the committee for further guidance for the next meeting. Pat Clancy asked that additional information on performance-based programs be presented. Chris Murphy and Amy Robinson concurred. Kelly Galloup stressed the importance of focusing on water quality without the need for setbacks. Jeff Laszlo posed the question of whether viewshed concerns should be dropped from the proposed regulation. Several members expressed support, but no clear consensus emerged on this point. More information on the potential number of impacted lots was requested.

**The next committee meeting is scheduled for Thursday August 21, 2008 at 6:30 p.m. in Ennis.**

#### **4. Adjournment**

Meeting adjourned: 8:45 p.m.